

MEMO	
Date	August 18, 2005
To:	Master Plan Implementation Committee Town of Westford MA
From:	Dennis Galvin, Wendy Welsh
Subject:	Interview Elizabeth Hughes Concord Town Planner
Reference	MPIC research work

1. On the above date at approximately 3.00PM, this reporter and Wendy Welsh conducted an interview with Concord Town Planner, Elizabeth HUGHES. Ms HUGHES informed us that she had been the town planner for 7.5 years. She went to Boxboro to do their town planning and she recently came back to Concord and was working here. She stated that Concord's last Master Plan was done in 2005.

2. Ms HUGHES discussed open space strategies with us. She said that Concord benefits from the fact that much of their land is historical and there are also natural corridors set aside along the Concord and the Assabet rivers.

3. She also discussed the towns residential zoning scheme. Concord as four residential districts. There RA Zone C which requires 10,000 sf. RA Zone B which is 20,000 sf. RA Zone A which is 40,000 sf and RA Zone AA which is 80,000 sf. Zone RA C encompasses the area around West Concord. Zone RA AA comprises the area around Lowell Road, Monument Street and area south of Rte 2. We discussed the recommendation in the Westford Master Plan to establish "rural zones" of 2 acres or more. She said that for Westford that would require some "upzoning". She cautioned us and advised us that upzoning is a difficult process. Many homeowners would view that as a reduction in the value of their land. If a person owns two acres and you have one acre zoning, that is two lots. If you increase the zone, they would loose the profit off of the second lot. You might be reducing the value of their land by half. This could be a big political problem. You would have to commit to educating the voters on the issue before you tried to put it through town meeting.

4. HUGHES stated that when you establish your zoning, you have to be clear about what you want to do. If you want to preserve open space, then your current OSRD bylaw appears to do the job. If you want to reduce the volume of growth then it may not be as effective. It does provide developers significant breaks in the construction costs of road and services by clustering them.

5. The Town of Concord has a by law called the "Planned Residential" bylaw. We cannot mandate affordability due to the state law but we can create incentives. Our PRD bylaw tries to create a flexible process that entices developers to construct the types of housing that we want. Under the PRD a developer has the option of constructing single family, duplex or multi family units. The developer can mix these. The bylaw requires a special permit so the Planning Board has some leeway in what is done. For example, in Concord we want a wide variety of housing. We go beyond the 30, 50 and 80 % that DHCD advocates. We have 80%, 110% and 150% of AMI. This is to diversify the housing. Our experience with the PRD has been good. We have three developments going forward with it now. River Bend in Concord is one of them. There are 15 single family homes and 5 duplexes.

6. HUGHES emphasized that the PRD doesn't just offer open space protection, it also offers housing diversity. I can offer a great mix of units. 4 bedrooms can be part of this. With Concord's PRD there is an incentive in cost reduction to the developer. There is no minimum lot size requirement. The only requirement is that it be 20' from a public way or 20' from the nearest dwelling outside of the development. You qualify if you have a development that is four times the minimum lot area of the residential zones that you are in. For example to qualify in a RA C district which has a minimum of 10,000sf you would have to propose a project of 40,000 sf. For an RA B district which is 20,000 sf the minimum size would be 80,000 sf.

7. One thing that is important to note is that under the RPD, the developer must provide the septic system. We keep the scale under the size where the DEP would come in and declare a public water supply. Under title V the regulation is that one bathroom can draw and pump 110 gallons per day
8. Under our PRD we think that we achieve a lot of things. You must have the area required to qualify. We get diversity in housing, the amount of open space is protected. We don't impose a lot of standards on the design of the development. In all of this, always remember to differentiate between zoning and the subdivision control law.
9. There is a limited Transfer of Development Rights program in Concord. The one area where it is allowed is in the Forest Ridge area of town which involves about a 100 acre section. We factor in the Floor Area Ratio in our calculation. We also offer an "Alternate PRD". We have one that is a 25 unit over 55 development. The concept of the TDR is that on 10 acres of land for example you may take five parcels and put those to some other location. The transfer is covered in the Special Permit conditions for the project. Our TDR is covered in section 6.3.4 of our bylaw. We have had developers buy property and then gift parcels to the town. The TDR is based upon the development potential of other lots and transferring that value someplace else.
10. With regard to affordable housing, we do accept payments in lieu of actual construction of units. We have also required a developer to reserve a lot for us for purchase. If we do that we must pay full market value for the lot. Some times however the developer might have problems with selling the lot. Some people won't buy if they find out that one lot is reserved for affordable housing. The cost is also a factor. If the going rate for one lot is 1.1M you are going to have a real problem selling that to the town. With regard to C40B, Concord is at 10.14%. We achieved it via a 380 unit rental project. The project had 25 units carried as affordable and because of that we could count all the rest of the units. All of the units count on the SHI. The percentage is based on the decennial census.
11. To recap the discussion, the Subdivision Control Law allows the town to set up its minimum lot sizes. If you want to put in certain features to your bylaws to increase density and diversity you now have to look at the special permit process but this is allowed under the SDCL. You get both Open Space preservation and diversity in our PRD. Just watch for cluster components and do not include the word "harmonious" with surrounding housing because cluster is not "harmonious" and that term can hurt you as it is hurting us. We have to change this in our bylaw.
12. Over 55 housing is not particularly active. Most seniors want to be near people with kids. You can vary the scale of the units in any multi family complex. Offer from 1 to 4 bedrooms.
13. On performance bonding we follow the SDCL and out lot releases are also governed by this. There are three options in the SDCL and we follow that . We release lots when the binder is down and the utilities are in place. We hold a 25% retainage on all our performance bonds.

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